**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 9581 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**VARALI YOUTH MANDEL ADMINISTRATOR**

**Versus**

**STATE OF GUJARAT AND OTHERS**

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**Appearance :**
MR AM PAREKH for the Petitioner
MS MD MEHTA, ASSISTANT GOVERNMENT PLEADER for the Respondents

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**CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 07/08/2006**

**ORAL JUDGMENT**

1. **RULE**. Ms.M.D.Mehta, learned Assistant Government Pleader waives service of rule on behalf of the respondents.

2. The petitioner – Varali Youth Mandel – A Fair Price

Shop holder in village Dhadvi, Taluka Kaprada District Valsad is before this Court complaining that orders dated 24/28.11.2005, 14.07.2003 and 06.01.2003 are passed without affording an adequate opportunity of representing its case.

3. Mr.A.M.Parekh, learned advocate for the petitioner emphatically submitted that in fact, the notice was issued by the revisional authority at the address at which the petitioner was not suppose to be available. He submitted that thus, the petitioner did not get an opportunity to represent its case and the exercise resulted into miscarriage of justice.

4. Ms.M.D.Mehta, learned Assistant Government Pleader despite her best efforts could not defend the order passed by the revisional authority, which was passed without an effective service of the notice at the correct address of the petitioner.

5. In view of the aforesaid facts of the case, without going deep into the merits of the case, only on this short ground, the order passed by the revisional authority – Annexure-C is quashed and set aside. The matter is remanded to the revisional authority, who shall decide the matter afresh after affording an opportunity to the petitioner to represent its case.

As the matter is old enough, the petitioner is

directed to remain personally present before the authority on 25.08.2006 at 11.00 AM. The authority will be free to fix the future schedule of hearing of the matter and shall decide the same as expeditiously as possible, but not later than 22.09.2006. The petition is allowed. Rule is made absolute to the aforesaid extend with no order as to costs. Direct service is permitted.

**(RAVI R.TRIPATHI, J.)**

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